IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.692 OF 2007

Messrs Seco Tools India (P) Ltd. ..Petitioner

Vs.

Union of India & Ors. ..Respondents

Mr.N.S.Thakkar i/b.Mr.M.R.Baya for the Petitioner.
Ms.Neeta Masurkar with Mr.D.A.Dube for the Respondents.

CORAM :- DR.S.RADHAKRISHNAN &
J.P.DEVADHAR,JJ.

DATE : 6TH MARCH,2007

P.C.

1. Rule. Rule is made returnable forthwith. The learned Counsel for the Respondents waives service.

By consent, taken up for hearing.

2. By this Petition, the Petitioner is challenging two orders i.e. the order dated 5th January,2006, whereby the Petitioner was declared as a Defaulter on the ground that the Petitioner had failed to fulfil the Export Obligations, and also the second order dated 10th January,2007, whereby the Respondents had rejected the application for grant of a license.

3. The learned Counsel for the Petitioner pointed out that the Petitioner had complied with all the

Export Obligations as indicated in letter dated 20th January,2006. Over and above, the learned Counsel for the Petitioner also pointed out that without prejudice, the Petitioner had also deposited a sum of Rs.85,22,393/- towards Customs Duty and interest under protest.

4. The impugned order dated 10th January,2007 does not consider the contention of the Petitioner, that it has already fulfilled its Export Obligation. The Respondents also do not dispute that the Petitioner had deposited the aforesaid sum of Rs.85,22,393/-. Since the Petitioner contended that the he had already fulfilled the Export Obligations as indicated in the letter dated 20th January,2006 and also in view of the fact that the Petitioner had already deposited a sum of Rs.85,22,393/-, we quash and set aside both the orders dated 5th January,2006 and 10th January,2007, and direct the Respondents to consider the application of the Petitioner for grant of license, strictly on its own merits in accordance with law, and pass an appropriate order with regard to the same, within a period of two weeks from today.

5. Writ Petition stands disposed of accordingly.

(J.P.DEVADHAR,J.) **(DR.S.RADHAKRISHNAN,J.)**